

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA)

Plaintiff,)

vs.)

INOCENCIO BADUA)

Defendant.)

MAG. NO. 03-0091 KSC

CRIMINAL COMPLAINT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 04 2003

at 2:00'clock and 38 min. PM
WALTER A. Y. H. CHINN, CLERK

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief.

Count 1: On or about August 1, 2002, in Honolulu, in the District of Hawaii, defendant INOCENCIO BADUA, did by intimidation, take from the person and presence of another money belonging to, and in the care, custody, control, management, and possession of the Bank of Hawaii, Wahiawa Branch, 634 California Avenue, Wahiawa, Hawaii a bank as defined in Title 18, United States Code, Section 2113 (f), in violation of Title 18, United States Code, Section 2113 (a).

I further state that I am a detective with the Honolulu Police Department and that I have been deputized as a Special Deputy United States Marshall, Title 18 Deputation, and am assigned to the Honolulu Violent Crime Task Force where I conduct joint investigations with the Honolulu Division of the Federal Bureau of Investigation. This Complaint is based upon the facts set forth in the attached Affidavit, which is incorporated herein by reference.



Taro NAKAMURA
Special Deputy U.S. Marshal
COMPLAINANT

Sworn to before me, and subscribed in my presence:
February 4, 2003 at Honolulu, Hawaii.


United States Magistrate Judge
District of Hawaii

AFFIDAVIT

Taro NAKAMURA, after being duly sworn, deposes and states as follows:

I, Taro Nakamura, am a Special Deputy United States Marshal (SDUSM), Title 18 Deputation, and am assigned to the Honolulu Violent Incident Crime Task Force where I conduct joint investigations with the Honolulu Division of the Federal Bureau of Investigation (FBI). In that capacity, I am familiar with the facts set forth in this affidavit based upon my personal knowledge and information provided to me by other law enforcement personnel and/or witnesses.

This affidavit is made in support of a Criminal Complaint for an Arrest Warrant for INOCENCIO BADUA, hereafter referred to as "BADUA," for violation of Title 18, United States Code, Section 2113(a) (Bank Robbery).

The deposits of the following bank are insured by the Federal Deposit Insurance Corporation (FDIC): Bank of Hawaii, Wahiawa Branch, 634 California Avenue, Wahiawa, Hawaii.

On August 1, 2002, the Wahiawa Branch of Bank of Hawaii reported an in-progress Bank Robbery, substantially as follows:

At approximately 12:45 p.m., a lone male, subsequently identified as BADUA, entered the Bank of Hawaii, located at 634 California Avenue, Wahiawa, Hawaii. BADUA approached a bank teller, who was at teller station number five, on the first floor of the building.

BADUA handed a handwritten note to the victim teller, which stated, "Give me all the money you got." The victim teller began to comply with BADUA's demand by opening her cash drawer, at which time BADUA stated to her, "Hurry up, hurry up."

The victim teller gave BADUA currency from her drawer, which was later determined to total approximately \$2243.00, United States Currency.

BADUA then left the bank via the main entrance on the California Avenue side of the building, and the victim teller notified her supervisor, who called the Honolulu Police Department (HPD).

HPD officers responded to the bank, among them being Detective Michael Ogawa, hereinafter referred to as Detective Ogawa, of the HPD Criminal Investigation Division.

Detective Ogawa interviewed the victim teller, who stated that she felt intimidated by the male robber, and that the intimidation was compounded when the male told her to "hurry up."

The victim teller viewed the bank surveillance photographs and positively identified the person depicted at her teller window as the person who had robbed her.

During his investigation at the bank, Detective Ogawa received information from Federal Bureau of Investigation (FBI) Special Agent Tyrone Arnold, hereinafter referred to as S/A Arnold, that a confidential source (CS) had contacted S/A Arnold with information regarding the bank robbery.

On August 3, 2002, Detective Ogawa met with the CS, who informed him that the perpetrator of the previously described bank robbery was a male known to him as INOCENCIO BADUA.

The CS further informed Detective Ogawa that on August 1, 2002, BADUA had requested a ride to the Wahiawa branch of Bank of Hawaii, but that BADUA did not give any indication of his purpose for going there.

The CS stated that (s)he drove BADUA to the bank, arriving at approximately 12:40 p.m. and that upon exiting the vehicle, BADUA instructed the CS to park the vehicle at a nearby intersection and wait for him.

The CS stated that BADUA then walked towards the bank, and that the CS, not understanding BADUA's intentions, disregarded BADUA's instructions, and drove the vehicle to a nearby sundry store.

The CS stated that a few minutes later, he observed BADUA running from the area of the bank, at which time he drove to BADUA's location and picked him up.

The CS stated that BADUA appeared nervous and was sweating profusely, and that at this time the CS asked BADUA if he had robbed the bank, to which BADUA replied in the affirmative.

The CS stated that BADUA then requested to be dropped off at a residence in the Waipahu area. The CS complied, after which the CS contacted S/A Arnold to inform him of BADUA's actions.

On August 3, 2002, the CS viewed a photographic lineup prepared by Detective Ogawa, and positively identified INOCENCIO BADUA as the male that he had driven to the Bank of Hawaii, Wahiawa Branch, on August 1, 2002.

On August 3, 2002, the CS also viewed bank surveillance photographs taken at the time of the robbery, and positively identified the male at the victim teller's window as INOCENCIO BADUA.

On August 6, 2002, the victim teller viewed the photographic lineup prepared by Detective Ogawa, and identified INOCENCIO BADUA as the male who had robbed her on August 1, 2002, stating that she was "over 90% sure" of the identification.

Detective Michael Ogawa and other members of the Honolulu Police Department made efforts to locate BADUA, but were unsuccessful.

Detective Michael Ogawa received information from a second CS that BADUA had fled the country to avoid being arrested for the robbery, and that BADUA may have gone to the Philippines.

Based on the foregoing, and on my training and experience, I believe probable cause exists that BADUA robbed the Bank of Hawaii Wahiawa branch located at 634 California Avenue, Wahiawa, Hawaii, in violation of Title 18, United States Code, Section 2113(a) (Bank Robbery).

FURTHER AFFIANT SAYETH NAUGHT



Taro NAKAMURA
Special Deputy U.S. Marshal
Detective/Honolulu Police
Department

Subscribed and Sworn to Before Me
this 4th Day of February, 2003.



United States Magistrate Judge
District of Hawaii